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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

First named inventor : Peter Muys
App. No. : 10/618,464
Filed : July 11, 2003
Title : LENS WITH
OPTIMIZED HEAT
TRANSFER
PROPERTIES
Examiner : David N. Spector

Group Art Unit: 2873

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

March 16, 2006
(Date)

John M. Carson, Reg. No. 34,303

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became unintentionally abandoned for failure to file a timely and proper response to the Office Action mailed on July 27, 2004, which set a two month period for response. The abandonment date of this application is January 27, 2005 (i.e., the day after the expiration of the date of the period set for response, plus any extensions of time obtained therefore). Applicant hereby petitions to reinstate the above-identified patent under 37 C.F.R. 1.137(b). Please note that a response to the July 27, 2004 Office Action is filed concurrently herewith. Applicant submits that a Terminal Disclaimer is unnecessary as this application was filed after June 8, 1995.

In May 2005 the above-identified patent was acquired from VDM, Laser Optics N.V. by Lambda Research Optics. New assignment and power of attorney documents are filed concurrently herewith.

With regard to the events relating to the unintentional abandonment, Applicant respectfully submits the following:

On December 28, 2004 the then Assignee's U.S. attorney received instruction (the instruction) from the then Assignee's foreign attorney, De Clercq, instructing the then Assignee's

U.S. attorney to allow the application to “lapse by not replying to the outstanding Office Action” (see attachment 1). Because of these instructions no response was filed before January 27, 2005.

At this time De Clercq has no record of a communication from Applicant directing De Clercq to issue the instruction to the then Assignee’s U.S. attorney (see attachment 2). Additionally, Peter Muys, then CEO of VDM, Laser Optics N.V., was unaware of and did not intend for such direction to De Clercq to be given (see attachment 3). Accordingly, Applicant submits that the application was unintentionally abandoned.

With regard to the delay between the notice of abandonment and the filing of this petition, Applicant respectfully submits the following:

The USPTO issued a notice of abandonment which was mailed June 9, 2005. A copy of the notice of abandonment was mailed to De Clercq on June 27, 2005. Lambda Research Optics, the current Assignee, was notified of the abandoned status of the patent on September 29, 2005, and initiated activities to revive the patent. On October 20, 2005 the current Assignee’s attorney was contacted by the current Assignee regarding revival. From October 20, 2005 to the present, the current Assignee’s attorney, during the normal course of managing his docket, has researched the facts related to, prepared, and filed this petition.


1. Petition fee
(X) Small entity - fee \$750
The present application qualifies for small entity status under 37 C.F.R. § 1.27.
2. Proposed response
 - a. The proposed response to the above-noted Office Action in the form of an Amendment in 6 pages is enclosed herewith.
 - b. A certified copy of European priority document EP02447134.4 is enclosed herewith.
3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

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- (X) Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.
- (X) Return prepaid postcard.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/16/06

By: 

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